UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.459
16 September 1998

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

SUMMARY RECORD OF THE 459th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 May 1998, at 10 a.m.

Chairperson: Mr. KOLOSOV

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Democratic People's Republic of Korea (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-16331 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Democratic People's Republic of Korea (continued) [CRC/C/3/Add.41; CRC/C/A/DEMKO/1; CRC/C/Q/DPRK/1 (List of issues to be taken up in connection with the consideration of the initial report of the Democratic People's Republic of Korea); core document forming part of the reports of States parties (document with no symbol, in English only); written replies submitted by the Government of the Democratic People's Republic of Korea concerning the questions raised in the list of issues (in-session document with no symbol, in English only)]

1. At the invitation of the Chairperson, the delegation of the Democratic People's Republic of Korea took places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to put questions relating to the sections entitled "Definition of the child" and "General principles" in the list of issues (CRC/C/Q/DPRK/1).

3. Mrs. KARP asked for more details about the social status of the child and about any obstacles that the country's socio-cultural situation might pose for the child's freedom of expression.

4. Mr. HO O Bum (Democratic People's Republic of Korea), replying to the question from Mrs. Karp and to questions raised at the previous meeting, said that under the colonial rule of the Japanese imperialists, children had not been treated fully as human beings. Immediately after the liberation, the Provisional People's Committee of North Korea had discussed the question of pencil production at its first session in February 1946 as its first agenda item since its establishment to take measures for the education of children. As President Kim Il Sung had declared, in the Democratic People's Republic of Korea the child was king and nothing was spared for children. The word "king" was used metaphorically for a person who had every privilege. To strengthen the social position of children and enable them to enjoy their privileges, various measures had been taken despite the great economic difficulties facing the country. The Democratic People's Republic of Korea had established a system of free health-care services and had allocated the necessary funds to build hospitals and maternity clinics. Anxious to ensure the health and education of children, the State had instituted 11-year compulsory schooling for all. In Korean society the child was fully recognized as a person and was entitled to express his or her views freely. Children had their own associations and the results of their deliberations were communicated to the Government organs. There was no discrimination against children and every effort was being made to improve children's conditions of life so as to ensure them a better future.

5. On the question of the definition of the child, he said that the age of majority was set at 17 years (art. 20 of the Civil Law), or one year less than the age advocated in article 1 of the Convention. The choice of 17 years was based on the reality that the human being at that age attained the maturity of an adult physiologically, physically, mentally and morally. There was

discussion in the country on the issue of the protection of young persons aged 17 to 18 years. Minors aged 14 to 18 found guilty of offences were sent to a community entrusted with their education. The Government was considering the possibility of changing the age of the child's criminal responsibility to take account of international standards.

6. Turning to the question of disabled children, Mr. CHAE Ryang Il (Democratic People's Republic of Korea) said that there was no provision in Korean law which discriminated against disabled children and that, with the establishment of a prophylactic system, the number of children with physical or mental disabilities was very low. He then read out paragraphs 137, 138 and 139 of the initial report (CRC/C/3/Add.41) and stated that, as a result of the Government's efforts, disabled children had no difficulty in integrating into normal life.

7. Mr. PARK Dok Hun (Democratic People's Republic of Korea) said that national teams had been set up to monitor the implementation of the Convention. In that connection, his country would like to receive more technical advice from the United Nations and other international organizations, and also benefit from the expertise of persons with a knowledge of international law. The United Nations Children's Fund (UNICEF) was providing its assistance, but there was an acute need for technical cooperation, particularly in the medical field.

8. The supply of drinking water had figured among the priorities in the policy of Kim Il Sung. The floods of 1995 and 1996 had unfortunately destroyed the infrastructure (networks and aqueducts providing safe water) and had had an adverse impact on the situation in the field of health. There was, indeed, a risk of epidemics, but a nation-wide campaign had helped to remove a number of obstacles. The World Health Organization and other agencies were contributing, through their assistance, to dealing with that problem, but the infrastructure for delivering clean water still had to be rebuilt.

9. The CHAIRPERSON invited the members of the Committee to ask their questions and make any comments they wished on "Civil rights and freedoms" (arts. 7, 8, 13, 14 and 37 (a) of the Convention).

10. Mr. RABAH requested more information about the specific measures being applied to protect children against the adverse influence of the media. He asked what legal provisions existed to protect children against ill-treatment and whether the Government had undertaken a study to determine whether there was any sexual abuse within the family or at school. How had the war affected children? Lastly, was child labour, including work by young girls, a problem in the country?

11. Mrs. PALME asked whether the Democratic People's Republic of Korea intended to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

12. Mrs. KARP observed that the principles set forth in the Convention on the Rights of the Child were part of a set of international human rights instruments and that the rights of the child in any country could not be considered without reference to how it respected human rights in general.

That was what was termed the "holistic" approach of the Convention. She was concerned, therefore, about the decision by the Democratic People's Republic of Korea to cease to be a party to the International Covenant on Civil and Political Rights and wondered whether that decision might not affect the exercise of human rights in the country. She noted furthermore that a number of human rights instruments had not yet been ratified by the Democratic People's Republic of Korea and asked what the Government's intentions were in that regard. Was teaching about human rights and the rights of the child part of the school curriculum, as provided for in articles 29 and 42 of the Convention, and, if so, did the teachers receive special training?

13. Regarding the implementation of the Convention, she believed that the Government should not only seek international assistance but also involve the people directly concerned with children, especially parents and teachers, in the decision-making process to strengthen the importance of the rights of the child within the population.

14. She would also like to know whether corporal punishment was formally prohibited in schools and within the family. The report stated that there were no cases of child abuse or maltreatment in the Democratic People's Republic of Korea and she wondered whether the drafting of the report had really occasioned an in-depth evaluation of the situation and led to an awareness of the potential problems. She was thinking in particular of sexual abuse within the family. Perhaps children were not being given the necessary help to report such offences. She would welcome some clarification from the delegation on that subject.

15. Mrs. PALME noted that the delegation had indicated that there was no censorship in the Democratic People's Republic of Korea but that foreign radio and television broadcasts were carefully scrutinized to prevent the dissemination of programmes containing violence or broadcasts in which children were used for pornographic purposes. She would like to know what criteria were applied by the authorities to select "positive" foreign broadcasts.

16. The CHAIRPERSON asked whether the teaching of foreign languages was part of the school curriculum and, if so, what foreign languages were taught. He furthermore observed that all the world's constitutions guaranteed equality between citizens and protected freedom of expression, religion and association. In most countries, however, even if the Constitution was equally applicable to children, the public at large did not regard children as full citizens. He would therefore like to know whether the Korean authorities had considered passing laws specifically to protect children's civil and political rights.

17. Mr. CHAE Ryang Il (Democratic People's Republic of Korea) said that the authorities in his country were taking the necessary steps to protect children against any element that might prove detrimental to their sound spiritual and moral development. The authorities were in particular endeavouring to prohibit publications or broadcasts that were pornographic, immoral, ideologically incorrect or incited hatred. With regard to the positive influence of the international media, the Korean authorities encouraged publications and broadcasts that had an educative value.

18. Corporal punishment, which was prohibited not only in schools but also within the family, carried a penalty that varied according to the gravity of the violence inflicted. Teachers applying corporal punishment were severely penalized and could be dismissed from their duties. Cases of child maltreatment were rare, but some parents might possibly beat their children out of love, in order to inculcate discipline and morality.

19. Lastly, he acknowledged that the teaching of foreign languages was a weak point in the Korean educational system and wished to thank international organizations such as UNICEF and UNESCO for their assistance to his country in that area.

20. Mr. HO O Bum (Democratic People's Republic of Korea), replying to the questions asked by Mr. Rabah, said that anyone found guilty of negligence towards a child under his or her responsibility was sentenced to two years' detention in a camp for rehabilitation through labour. If a child was led to commit suicide or was physically threatened, the guilty person was punished with three years' detention in a camp for rehabilitation through labour. Parents did sometimes maltreat their children, but such cases were difficult to detect. Villagers' groups canvassed opinion to find out whether the parents were being too strict. If that was the case, measures were taken by the community to educate the parents concerned.

21. There were no juvenile detention centres. Young offenders were placed in centres for rehabilitation through labour. With regard to child labour, the legal age - which corresponded to the end of compulsory schooling - was 16 years. Children not going to university received vocational training and actually began work at the age of 17 years.

22. Owing to the provisions of the Law on Nationality there could be no stateless persons in his country. Any child born in the Democratic People's Republic of Korea, even to foreign parents, possessed Korean nationality. As for cooperation between the private and public sectors, implementation of the Convention came under the responsibility of the public bodies, which meant evaluating the situation on the ground by gathering statistics and consulting the public.

23. His delegation shared the Chairperson's view that the provisions of the national Constitution were not adequate to protect the rights of the child, and laws and regulations had therefore been adopted to that end. Children were entitled to set up their own associations and meet to discuss questions relating, for example, to their nutrition and conditions of education. Lastly, there were State bodies which heard children's grievances.

24. Mr. PARK Dok Hun (Democratic People's Republic of Korea), replying to Mrs. Palme, said that his country had ratified the principal human rights instruments and was implementing their basic provisions. It did not, however, see the relevance of acceding to conventions such as the Convention relating to the Status of Stateless Persons and the International Convention on the Elimination of All Forms of Racial Discrimination. There were no stateless persons in the Democratic People's Republic of Korea and the population was perfectly homogeneous. Nevertheless, the Korean authorities needed technical assistance and advisory services from the United Nations and other

international organizations in order to teach the provisions of the various covenants and conventions. The Democratic People's Republic of Korea had declared that it would no longer be a party to the International Covenant on Civil and Political Rights as it wished to protect its sovereignty against ill-intentioned persons using the Covenant for political purposes. That did not prevent it from fully guaranteeing all the civil and political rights of Korean citizens.

25. Replying to Mr. Rabah, he said that his Government had been endeavouring since 1945 to alleviate the sufferings of divided families and particularly of children. The division affected the daily lives of Koreans, not only on account of evacuation drills and alerts caused by military manoeuvres organized south of the demarcation line but also because of the economic blockade and sanctions, which hampered the realization of human rights in general and of the rights of the child in particular.

26. Mrs. PALME said that corporal punishment of children was to be prohibited since it was a demonstration of force and not of love.

27. Mrs. KARP added that the practice was contrary to the spirit and letter of the Convention since children had to be protected against all forms of violence. Corporal punishment was humiliating and degrading, and in her view attitudes needed to be changed through public awareness campaigns aimed at parents. Furthermore, she would like to know whether the teaching of human rights in general, of which the rights of the child were an integral part, figured in the school curricula.

28. She regretted that the question of sexual abuse within the family had not been addressed. Did teachers and doctors receive training so as to be able to detect symptoms of ill-treatment and were there bodies that could follow up on their findings and prosecute those responsible? Were children made to understand what should be the limits of their relationships with their parents? Lastly, she would welcome information on the composition and functioning of the public bodies that heard childrens' grievances, as well as the arrangements made for children to have access to those bodies.

29. Mr. RABAH noted that the Democratic People's Republic of Korea had ratified International Labour Organization (ILO) Convention No. 38 concerning the minimum age for admission to employment and that children under 16 years of age were consequently not allowed to work. He wondered, however, whether steps had been taken to ensure that all clandestine child labour was prohibited. In addition, was there a problem of street children in the country and, if so, how serious was the problem?

30. Mr. CHAE Ryang Il (Democratic People's Republic of Korea), replying to the questions concerning corporal punishment and sexual abuse of children within the family, said that those serious issues were extensively discussed, but in fact such phenomena did not occur in Korean society. The entire educational system was based on the teaching of moral values and mutual respect between parents and children. Schooling was compulsory and therefore all Korean citizens were brought up to respect those values within society, of which the family was the basic unit. Furthermore, the media, especially radio and television, regularly broadcasted information about parents'

responsibilities towards their children and their duty to set an example. Parents also maintained close contacts with schoolteachers to help resolve any problems that might arise.

31. With regard to child labour, schooling was compulsory for all children up to the age of 16 years, without exception, even in the remotest parts of the country, and children could not be admitted to employment until the age of 17 years and were not allowed to engage in arduous work. There was no problem of clandestine child labour in the country, and there were also no street children, since all young persons were obliged to pursue their education, that being the responsibility of the State.

32. Mr. HO O Bum (Democratic People's Republic of Korea) added that acts of sexual abuse were serious offences under the Criminal Law and that intercourse with girls under 15 years of age was prohibited. Offences of that kind were very rare, notably because of Korean social and cultural traditions, which did not focus attention on sexuality. However, any person, whether a minor or an adult, who felt that any of his or her basic rights had been violated could complain to the various State bodies responsible for examining individual grievances.

33. The CHAIRPERSON inquired whether in the Democratic People's Republic of Korea, as often in the socialist countries, there was a phenomenon of "forced labour" of children, who were made, for example, to participate in farm work during their school holidays.

34. He invited the members of the Committee to put to the Korean delegation any additional questions they wished to raise concerning the family environment and alternative care, basic health and welfare, and education, leisure and cultural activities.

35. Mrs. PALME asked how the emotional and psychological needs of children placed in institutions and therefore deprived of a family environment were met and whether such children were able to develop normally. Did the Korean authorities intend to take further measures on behalf of such children, whose equilibrium was particularly fragile?

36. Mrs. KARP said that she shared Mrs. Palme's concerns and pointed out that, under the Convention, the family was the environment in which the child had to be brought up as a matter of priority. She would therefore like to know whether the Korean authorities intended to promote foster care rather than institutionalization. She also wished to know how children with mental disorders were treated in psychiatric institutions. In addition, according to what criteria was a child declared disabled and what assistance was provided to the parents of disabled children? She further inquired whether there were specialists dealing with issues specific to adolescents, whether any cases of suicide had been recorded among adolescents, what sex education they received and where adolescents could seek guidance on problems they did not wish to discuss with their parents. She also asked whether the law requiring a parent not having custody of his or her child to provide financial support was duly applied in practice and where the child stood if that parent did not fulfil

his or her obligation. Lastly, she would like to know whether any studies had been carried out, for example within the framework of international cooperation, concerning environmental pollution, particularly in large cities.

37. Mr. RABAH noted from the data provided to the Committee that 6.8 per cent of the national budget was devoted to education, which thus constituted a major sector of expenditure. In that connection, he would like to know what proportion of the budget was devoted to cultural and leisure activities for young persons who had completed their compulsory schooling.

38. The CHAIRPERSON said that the Korean delegation would reply to the additional questions from members of the Committee at the next meeting.

The meeting rose at 1.05 p.m.